

Message Text

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ACTION EA-12

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INFO AMCONSUL HONG KONG
USLO PEKING
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 02462

CINCPAC FOR POLAD

E.O.11652: GDS
TAGS: PINT, TW
SUBJECT: CHUNGLI RIOT SENTENCES

1. EIGHT DEFENDANTS CHARGED WITH CRIMINAL ACTS DURING THE CHUNGLI RIOT ON NOVEMBER 19, 1977 WERE SENTENCED BY TAIPEI DISTRICT COURT ON APRIL 17 TO TERMS RANGING FROM TWO YEARS AND FOUR MONTHS TO TWELVE YEARS. BAIL HAS BEEN DENIED TO ALL EIGHT DEFENDANTS. ALL EIGHT DEFENDANTS REPORTEDLY PLAN TO APPEAL THEIR CASES TO THE HIGH COURT (THE SECOND LEVEL IN THE THREE-TIERED CIVIL JUDICIAL STRUCTURE). NONE OF THE DEFENDANTS IS IDENTIFIED WITH OR CLAIMED BY THE NON-PARTY MOVEMENT.

2. AS REPORTED IN LOCAL PRESS, SENTENCES WERE AS FOLLOWS:

- YANG SHENG-KUO (2799/4141/0948), AGE 24 OF TAOYUAN COUNTY,
- TO 12 YEARS FOR OBSTRUCTING THE PERFORMANCE OF OFFICIAL DUTIES, ENDANGERING PUBLIC SAFETY, ARSON AND THEFT;
- HSU CH'ING-LUNG (6079/3237/7893), AGE 31 OF TAOYUAN COUNTY,
- TO 10 YEARS FOR OBSTRUCTING THE PERFORMANCE OF OFFICIAL DUTIES, ENDANGERING PUBLIC SAFETY AND ARSON;

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- LIN I-SHENG (2651/4135/3932), AGE 25 OF CHIA-I COUNTY,
- TO 4 YEARS FOR ENDANGERING PUBLIC SAFETY BY BURNING CARS
- (CHARGED JOINTLY WITH TSENG CHIN-FU);
- LIN TS'AN-MING (2651/3605/2494), AGE 28 OF TAIPEI COUNTY,
- TO 3 YEARS AND 6 MONTHS FOR OBSTRUCTING THE PERFORMANCE
- OF OFFICIAL DUTIES, ENDANGERING PUBLIC SAFETY BY BURNING

- CARS (CHARGED JOINTLY WITH TSENG CHIN-FU);
- TSENG CHIN-FU (2582/6855/1381), AGE 19 OF HUALIEN COUNTY,
- TO 3 YEARS AND 2 MONTHS FOR ENDANGERING PUBLIC SAFETY BY
- BURNING CARS (CHARGED JOINTLY WITH TWO LINS);
- P'AN T'ANG-HUANG (3382/1016/3552), AGE 24 OF TAINAN COUNTY,
- TO 3 YEARS FOR ENDANGERING PUBLIC SAFETY BY BURNING CARS;
- CH'EN CHIN-HO (7115/6855/0735), AGE 33 OF TAOYUAN COUNTY,
- TO 2 YEARS AND 10 MONTHS FOR OBSTRUCTING THE PERFORMANCE OF
- OFFICIAL DUTIES AND BURNING MOTORCYCLES;
- CHUNG MING-CHIH (6945/2492/1807), AGE 18 OF TAOYUAN COUNTY,
- TO 2 YEARS AND 4 MONTHS FOR ENDANGERING PUBLIC SAFETY BY
- BURNING MOTORCYCLES AND THEFT.

3. IN ADDITION TO THEIR PRISON SENTENCES, YANG SHENG-KUO AND HSU CH'ING-LUNG WERE DEPRIVED OF THEIR CIVIL RIGHTS FOR SEVEN YEARS. THIS DECLARATION MEANS THEY CANNOT VOTE OR RUN FOR PUBLIC OFFICE FOR THAT PERIOD OF TIME PER ARTICLE 36 OF THE CRIMINAL CODE. (NOTE: THIS RESTRICTION CUSTOMARILY IS FOR A PERIOD OF TIME LESS THAN THE TOTAL PRISON SENTENCE.)

4. THE EIGHT DEFENDANTS WERE CHARGED WITH PARTICIPATING IN RIOTING WITH UNNAMED OTHERS. ESTIMATES OF THE TOTAL NUMBER OF PEOPLE ACTUALLY PARTICIPATING IN THE CHUNGLI INCIDENT VARY CONSIDERABLY, BUT CERTAINLY NUMBERED IN THE HUNDREDS. POLICE ORIGINALLY HELD 31 PERSONS FOR QUESTIONING, HOWEVER, ONLY THESE EIGHT WERE SUBSEQUENTLY TRIED AND CONVICTED. WHY THEY

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SELECTED THESE EIGHT IS NOT CLEAR, BUT WE ASSUME THEY WERE THE SUSPECTS AGAINST WHOM THE BEST EVIDENCE COULD BE DEVELOPED. THEY WERE ALSO THE LEAST LIKELY TO COMMAND SYMPATHY, BEING VARIOUSLY DESCRIBED AS UNEMPLOYED, ILL-DRESSED AND UNKEMPT. EARLY IN THE INVESTIGATION THE DEFENDANTS WERE ALSO CHARACTERIZED AS "OUTSIDE AGITATORS" AND POSSIBLY EVEN HIRED THUGS. THE PROSECUTOR DID NOT PURSUE THAT LINE, AND WE ASSUME IT HAS NO SUBSTANCE.

5. THE TAICHUNG TAIWAN JIH PAO REPORTED TAIWAN PROVINCIAL ASSEMBLY (TPA) INDEPENDENT MEMBER SU-HUNG YUEH-CHIAO'S APRIL 17 INTERPELLATION IN THE TPA IN WHICH SHE POINTED OUT THAT IF THE NUMBER OF PEOPLE INVOLVED IN THE CHUNGLI RIOT WAS NOT LIMITED TO THE EIGHT DEFENDANTS, IT IS UNFAIR TO INVESTIGATE THEM ONLY.

6. ACCORDING TO THE APRIL 18 CHUNG KUO SHIH PAO, JUDGE LAI CHUNG-YAO (6351/6850/1001) OF THE TAIPEI DISTRICT COURT APPLIED DIFFERENT ARTICLES OF THE CRIMINAL CODE THAN USED IN THE PROSECUTOR'S (DISTRICT ATTORNEY) INDICTMENT, IN ORDER TO IMPOSE HEAVIER SENTENCES (SENTENCES GIVEN FOR CRIMES COMMITTED "JOINTLY " ARE SOMEWHAT STIFFER THAN FOR THOSE COMMITTED BY "INDIVIDUALS").

7. THE TZU LI WAN PAO REPORTED THAT THE DEFENDANTS' PROPOSED APPEAL TO THE HIGH COURT WILL BE BASED ON THE CLAIM THAT THE TAIPEI DISTRICT COURT DID NOT EXAMINE ALL QUESTIONS OR INTERVIEW ALL WITNESSES REQUESTED BY DEFENDANTS, AND THEIR BELIEF THAT A "SECRET REPORT" SEEMED TO BE TAKEN AS EVIDENCE IN THE CASE. (NOTE: THE ONLY OTHER CASE TO BE TAKEN TO TRIAL AS A RESULT OF THE CHUNGLI INCIDENT, THE PERJURY CASE OF CH'IU I PIN (6726/1150/1755) HAS ALSO BEEN APPEALED TO THE HIGH COURT BUT HAS NOT YET BEEN HEARD. CH'IU WAS SENTENCED TO ONE YEAR AND SIX MONTHS FOR PERJURY ON JANUARY 25, 1978, WHICH WAS SUSPENDED AND CHANGED TO THREE YEARS' PROBATION. (CH'IU APPEALED WHAT HE TERMED THE "UNJUSTIFIABLE" SENTENCE.)

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C O N F I D E N T I A L SECTION 02 OF 02 TAIPEI 02462

8. COMMENT: WHAT HAS ATTRACTED ATTENTION MORE THAN THE SENTENCES, WHICH MAY WELL BE REDUCED ON APPEAL OR THROUGH A GRANT OF AMNESTY IS THAT THE CHARGES WERE FOR CIVIL CRIMES OF OBSTRUCTION OF PUBLIC OFFICIALS, ENDANGERING PUBLIC SAFETY, ARSON, AND THEFT, RATHER THAN FOR SUCH POLITICAL CRIMES AS SEDITION OR ATTEMPTING TO OVERTHROW THE GOVERNMENT BY FORCE. IF IT WERE FOR THE LATTER, THE CASE COULD HAVE BEEN TURNED OVER TO MILITARY COURTS. THE EIGHT DEFENDANTS MAY THEREFORE BE INCLUDED IN THE GENERAL AMNESTY WHICH IS EXPECTED TO BE GRANTED FOLLOWING THE MAY 20 INAUGURATION OF PRESIDENT CHIANG CHING-KUO. SENTENCING ON CIVIL CHARGES FOLLOWED BY AMNESTY WOULD ALLOW THE GOVERNMENT TO BE LENIENT WITH THE EIGHT WHO HAPPENED TO GET CAUGHT WHILE SERVING NOTICE THAT IT MIGHT NOT BE SO LENIENT IF THERE IS A NEXT TIME.

9. THE "CHUNGLI EIGHT" HAVE NOT BECOME A CAUSE

AMONG THE INDEPENDENTS, BEING NEITHER LINKED TO NOR CLAIMED
BY THE INDEPENDENTS OR THE NON-PARTY CANDIDATE IN THE
TAOYUAN ELECTION. THE CHARGES BROUGHT AGAINST THE EIGHT WERE
NON-POLITICAL. CRITICISM OF THE TRIAL AND THE SENTENCES IS
LIKELY TO FOCUS, AS THE APPEAL PROCEEDS, ON THE INJUSTICE
OF PUNISHING EIGHT FOR AN INCIDENT IN WHICH HUNDREDS WERE
INVOLVED RATHER THAN ON A CHARGE THAT THE GOVERNMENT IS
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